FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.2326 OF 2006

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.A.P.Mundargi Sr.Advocate with
R.R.Bhosale for the applicant.

Mr.Y.S.Shinde, APP for the State.

Coram : R.S.Mohite,J

Date : 7.7.2006.

PC

1. This is an application for grant of bail. The applicant is shown as an accused in C.R.No.485/2004 registered by the Nigdi police station for offence under section 302 of IPC. The applicant was married to the deceased Smita in the year 1997. There was matrimonial proceedings between the parties which resulted in civil proceedings. The matrimonial proceeding has gone against the husband. It is the case of the prosecution that on 11.12.2004 between 8.30 & 9.00

P.M. the applicant murdered his wife by the use of the sattur. Sattur was found on the spot. The applicant was seen by one Jayashri who was the friend of the deceased. 3 other witnesses by name Suyog, Raju and Nilesh have also seen the applicant go away from the spot on his motor cycle. All these 3 persons i.e. Suyog, Raju & Nilesh have heard an oral dying declaration from Jayashri which implicates the present applicant. It was sought to be argued that if indeed these persons have seen the applicant and heard the dying declaration then documents such as inquest panchanama and the police report under which dead body was sent for post mortem would not refer to an assault by un-known persons. There is also a gogal which has been found on the spot of the offence which is identified by the father of the deceased which belong to the present applicant. In my view, these are the

aspects which will have to be gone into at the stage of trial. At the present, it cannot be said that there is no material against the present applicant. Not a fit case for grant of bail. Application stands rejected.

(R.S.Mohite,J)